

CONCLUSION OF MORNING
BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 744 which the clerk will report.

The legislative clerk read as follows:

A bill S. (744) to provide for comprehensive immigration reform and for other purposes.

Pending:

Leahy-Hatch amendment No. 1183, to encourage and facilitate international participation in the performing arts.

AMENDMENT NO. 1208

Mr. LEE. Mr. President, I ask unanimous consent to call up amendment No. 1208.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 1208.

The amendment is as follows:

(Purpose: To require fast-track congressional approval when the Secretary of Homeland Security notifies Congress of the implementation of the border security strategies and certifies that the strategies are substantially operational)

On page 856, lines 1 and 2, strike "the Secretary has submitted to Congress" and insert "Congress has approved, using the fast-track procedures set forth in paragraph (3), the contents of".

On page 56, strike lines 19 through 22, and insert the following: "Congress has ratified, using the fast-track procedures set forth in paragraph (3), the written certification submitted by the Secretary to the President and Congress, after consultation with the Comptroller of the United States, that—".

On page 858, between lines 10 and 11, insert the following:

(3) FAST-TRACK PROCEDURES.—

(A) IN GENERAL.—Not later than 30 days after receiving a submission from the Secretary under paragraph (1) or (2), the Senate and the House of Representatives shall vote to determine whether the action taken by the Secretary meets the requirements set forth in such paragraphs that are required before applications may be processed by the Secretary for registered provisional immigrant status or adjustment of status under section 245B or 245C, respectively, of the Immigration and Nationality Act, as added by sections 2101 and 2102.

(B) REFERRAL TO COMMITTEE.—The question described in subparagraph (A) may not be referred to any congressional committee.

(C) AMENDMENTS.—The question described in subparagraph (A) may not be subject to amendment in the Senate or in the House of Representatives.

(D) MAJORITY VOTE.—The question described in subparagraph (A) shall be subject to a vote threshold of a majority of all members of each House duly chosen and sworn.

(E) PRESIDENTIAL SIGNATURE.—The congressional approval and ratification required under paragraphs (1) and (2) shall not be completed until after it has received the signature of the President.

Mr. LEE. Mr. President, amendment No. 1208 would require fast-track con-

gressional approval at the introduction of the Department of Homeland Security border security strategies before the award of registered provisional immigrant, or RPI, status—before the eligibility of that status begins, as well as at the certification of the strategy's completion, before those receiving RPI status may become eligible to become lawful permanent residents and eligible to receive green cards. This would be a fast-track vote, one that would have to occur within 30 days after the triggering event within the executive branch. It would also be subject to a 51-vote threshold and would not be subject to a filibuster. It is a basic function of Congress to oversee the executive branch and to ensure that the executive branch is enforcing the law as enacted by Congress.

In the area of border security, the executive branch, in both Republican and in Democratic administrations, has failed to fully enforce the laws passed by Congress. To give a few examples, the Secure Fence Act, which was enacted in 2006, still has not been fully implemented, and the fencing requirement—the fence segments required by that act—still have not been fulfilled. The US-VISIT entry-exit system, which was put into place by legislation enacted in 1996, still is not fully implemented. It is worth noting that 40 percent of our current illegal immigrants are people who have overstayed their visas. It is very reasonable to assume there is a significant connection between our failure to implement this entry-exit system called for by existing law and the fact that a sizable chunk—several millions of our current illegal aliens—are people who have overstayed their visas.

Polls overwhelmingly show Americans do not believe the border is secure. They also believe we should secure our borders first before moving on to certain areas of immigration reform. These are failures of the Federal Government. The American people cannot hold unelected bureaucrats in the executive branch—people such as the Secretary of Homeland Security—accountable for those failures. The most direct line of accountability is from the American people to their Members of Congress. In order to ensure the voice of the American people is heard, Congress must be able to vote on the border security strategy and on the certification of that strategy as a condition precedent to allowing these RPI provisions to kick in and to allowing people to enter into the pathway to citizenship and advance toward citizenship in the coming years.

To cut out Congress cuts out the American people, and that is exactly what this bill, without an amendment such as this one, would do. So it is important to remember that to cut out Congress cuts out the American people, and that is what we are trying to protect against.

Opponents of my amendment have argued they would be unwilling to rely

on a majority of Congress to approve a border security plan as a condition for allowing the RPI period to open and to proceed. Has it ever occurred to them that it might be precisely because a majority of Americans would not approve the border security plan or at least they might not approve of it or, perhaps, it is not a good idea to move forward on sweeping new policies that will affect generations to come without the support of the American people? It is, after all, the American people who have to deal with the consequences of a dangerous and unsecured border. They will have to deal with cross-border violence. They will have to deal with the heartbreaking stories of human trafficking. They will have to deal with the drugs imported into their communities. They will have to deal with the economic effects and the added costs of public services associated with an ongoing unsecured border. Therefore, it is the American people who should be the ones who get to say whether the border is secure and not the unelected, unaccountable bureaucrats who have a long track record of failing to implement the objectives established by Congress and embodied in law.

My amendment would restore the voice of the American people to this process because, again, cutting out Congress means cutting out the American people. I strongly urge my colleagues to defend the rights of the American people, to weigh in on this important issue, and to support my amendment.

Finally, I wish to commend the House Judiciary Committee for passing the SAFE Act out of committee last night. The SAFE Act is an important step forward in improving interior enforcement, securing the border, and strengthening our national security. It also demonstrates that we can effectively pursue significant immigration reforms in a step-by-step approach with individual reform measures.

The SAFE Act is by no means a small piece of legislation but, importantly, it focuses reform on particular areas that should receive bipartisan support in both Chambers of Congress.

First, let's secure the border. Let's set up a workable entry-exit system and create reliable employment verification systems that will protect immigrant citizens and businesses from bureaucratic mistakes. Let's also fix our legal immigration system to make sure we are letting in the immigrants our economy needs in numbers that make sense for our country.

Once these and other tasks, which are plenty big in and of themselves, are completed or at least in progress to the American people's satisfaction, then and only then can we address the needs of current undocumented workers with justice, compassion, and sensitivity.

Since the beginning of this year, more than 40 immigration-related bills have been introduced in the House and in the Senate. By a rough count, I can support more than half of them, eight